

1 **THE HARRIAN LAW FIRM, P.L.C**

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5 Michael E. Cordrey  
6 Arizona State Bar No. 022148  
7 Attorney for Movant

8 **IN THE UNITED STATES BANKRUPTCY COURT**  
9 **DISTRICT OF ARIZONA, PHOENIX DIVISION**

10 In Re:

11 **DAVID PROVINE,**

12 Debtor

13 **MONICA PROVINE,**

14 Movant,

15 v.

16 **DAVID PROVINE, Debtor, and**  
17 **EDWARD J. MANEY, Trustee.**

18 Respondents.

**No. 2:09-bk-27174-RJH**

**Chapter 13 Proceedings**

**MOTION TO LIFT AUTOMATIC STAY**

19 **COMES NOW**, Movant, Monica Provine, (hereinafter "Movant") and moves this Court for  
20 an Order lifting the automatic stay presently in effect upon the Debtor's Chapter 13 filing. In support  
21 of her Motion to Lift Stay, Movant states as follows:

22 1. Prior to Debtor's filing of his Chapter 13 Bankruptcy Case, Movant (Debtor's Wife)  
23 filed a dissolution of marriage proceeding in Maricopa County Superior Court as case number  
24 FC2009-003501.

2. Movant desires to have the dissolution proceeding continue to final decree in the  
Maricopa County Superior Court.

1           3.       The automatic stay currently in effect precludes the dissolution proceeding from  
2 moving forward to final decree.

3           4.       Movant desires that the Court issue an Order removing the automatic stay to allow the  
4 Maricopa County Superior Court action to proceed to final decree, and to enter orders regarding  
5 Family Support Obligations.

6           5.       Debtor proposed a Chapter 13 Plan with the Bankruptcy Court in his voluntary  
7 petition.

8           6.       The Maricopa County dissolution case can move to final decree without adverse effect  
9 on creditors.

10           **WHEREFORE**, Movant requests that the Court enter an Order lifting the automatic stay in  
11 effect under Chapter 13 of the Bankruptcy Code, allowing the Maricopa County Superior Court  
12 dissolution action in case number FC2009-003501 to proceed to final decree, and to enter orders  
13 regarding Family Support Obligations.

14                   **RESPECTFULLY SUBMITTED** this 10<sup>TH</sup> day of DECEMBER, 2009.

15                   **THE HARRIAN LAW FIRM, P.L.C.**

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17                   Michael E. Cordrey  
18                   Attorney for Movant

19           Original of the foregoing FILED ELECTRONICALLY  
20 this 10<sup>TH</sup> day of DECEMBER, 2009

21           with a copy of the foregoing MAILED  
this 10<sup>TH</sup> day of DECEMBER, 2009 to:

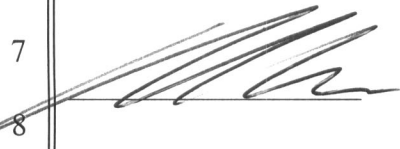
22           Joseph W. Charles, Esq.  
23           Post Office Box 1737  
24           Glendale, Arizona, 85311-1737  
25           Attorney for Debtor

26           -and-

1 Mr. David Provine  
963 South 240th Drive  
2 Buckeye, Arizona, 85326  
Debtor / Respondent in Maricopa County FC2009-003501

3 -and-

4 Edward J. Maney  
US Bankruptcy Court Trustee  
5 P.O. Box 10434  
Phoenix, Arizona, 85064-0434  
6 Trustee

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